UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____3____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jul 8, 2002* _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *15, 16, 18, 19, and 21-24* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *15, 16, 18, 19, and 21-24* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on 7/8/2002 have been fully considered but they are not

persuasive.

In re pages 3-5, Applicants argue that neither Stedman, Ng, nor Brown disclose, teach, or

suggesting comparing two frames to each other while a computer system is in an active mode and

causing the computer system to exit the inactive in response to the weighted average of brightness

of two frames differing by a predetermined amount. These features are recited in claims 15 and

22.

In response, regarding claim 15, the Applicants amended claim 15 with the limitation "a

processor coupled to the memory to cause the computer system to transition from an active mode

to an inactive mode in response to a predetermined period of inactivity and to compare the

weighted average of brightness of two frames to each other while the computer system is in the

inactive mode and to cause the computer system to exit the inactive mode in response to the

weighted average of brightness of two frames differing by a predetermined amount." The

examiner considers claim 15 as amended still do not distinguish from Stedman in view of Brown

further in view of Ng.

Stedman et al. disclose a computer system which provides a wakeup control function,

comprising memory, disclosed as memory 36 (figure 2, column 3, lines 39-53); a processor

(processor 12, figure 2, column 3, lines 39-53) which causes the computer system to exit the

inactive mode (controller 40 generates wakeup signal which signals system power 12 to wake up,

i.e., to transition from the system power saving mode (inactive mode) to the normal mode

operation (active mode), column 4, lines 40-47). Stedman et al. disclose a processor to cause the

computer system to transition from an active mode to an inactive mode in response to a

predetermined period of inactivity (power saving mode, column 1, lines 25-50, column 6, lines

16-30).

Stedman et al. fail to specifically disclose a processor which causes the computer system

to exit the inactive mode in response to the weighted average of brightness of the two frames

differing by a predetermined amount. However, this feature is taught by Brow. Brown discloses

a video camera surveillance system comprising memory, disclosed as frame recorder 4 (figure 1,

column 4, lines 34-45); processor, disclosed as change detector 7 which compares the difference

signal between a frame from the series of frames subsequent to the reference frame and the

reference frame, and generates an output signal line 19 if the difference is beyond a preset

threshold (figures 1-2, column 4 line 53 through column 5, line 25, column 7, line 67 through

column 8, line 7). Brown discloses combination of frame recorder 4 and change detector 7 as

computer system which operates in active mode when the discrepancy count value exceeds the

minimum, then an alarm signal is generated on signal line 19 to activate alarm 12 or video cassette

recorder 11 (figures 1-2, column 5, line 20 through column 6, line 8); and computer system

operates in inactive mode when the discrepancy count value below the minimum required to

generate an alarm condition, the alarm condition is removed from signal line 19 (figures 1-2,

column 6, lines 15-31).

Stedman et al. and Brown fail to specifically disclose the difference weighted average of

brightness of the two frames differing by a predetermined amount. However, this feature is

taught by Ng. Ng teaches the difference between the current frame and the reference frame is

determined on a pixel-by-pixel basis, and the pixel value indicates the luminance level or

brightness level (column 6, lines 12-17, column 7, lines 10-28), and a motion detection signal is

generated if the difference between the current frame and the reference frame exceeds a threshold

(see abstract, difference weighted average of brightness of the two frames differing by a

predetermined amount). Note that Stedman discloses computer exit the inactive mode (column 4,

lines 40-47). Therefore, in system of Stedman, Brown and Ng, the comparison of the weighted

average of brightness of two frames to each other occurs while the computer system is in the

inactive mode in order to let the system exit the inactive mode.

In re pages 4-5, Applicants argue that there is no suggestion or motivation to modify or

combine the references in the manner stated in the Office Action.

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, the teaching of Brown in the system of Stedman would have been obvious to

provide a system which can recognizes different mode by comparing the property of two frames.

And the teaching of Ng in the system of Stedman and Brown would have been obvious to provide

a system capable of immediately identifying changes in an image represented by a video signal

(Ng, column 1, lines 49-51).

In re page 4, Applicants argue individually that Stedman or Ng or Brown does not

disclose, teach, or suggesting comparing two frames to each other while a computer system is in

an active mode and causing the computer system to exit the inactive in response to the weighted

average of brightness of two frames differing by a predetermined amount.

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 15-16, 18-19, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stedman et al. (US 5,675,364) in view of Brown (US 5,455,561) further in view of Ng

(5,731,832).

Regarding claim 15, Stedman et al. disclose a computer system which provides a wakeup

control function, comprising memory, disclosed as memory 36 (figure 2, column 3, lines 39-53); a

processor (processor 12, figure 2, column 3, lines 39-53) which causes the computer system to

exit the inactive mode (controller 40 generates wakeup signal which signals system power 12 to

wake up, i.e., to transition from the system power saving mode (inactive mode) to the normal

mode operation (active mode), column 4, lines 40-47). Stedman et al. disclose a processor to

cause the computer system to transition from an active mode to an inactive mode in response to a

predetermined period of inactivity (power saving mode, column 1, lines 25-50, column 6, lines

16-30).

Stedman et al. fail to specifically disclose a memory to store a weighted average of

brightness corresponding to one or more frames representing a view of different times; and a

processor which causes the computer system to exit the inactive mode in response to the

weighted average of brightness of the two frames differing by a predetermined amount. However,

Brown discloses a video camera surveillance system comprising memory, disclosed as frame

recorder 4 (figure 1, column 4, lines 34-45); processor, disclosed as change detector 7 which

compares the difference signal between a frame from the series of frames subsequent to the

reference frame and the reference frame, and generates an output signal line 19 if the difference is

beyond a preset threshold (figures 1-2, column 4 line 53 through column 5, line 25, column 7, line

67 through column 8, line 7). Brown discloses combination of frame recorder 4 and change

detector 7 as computer system which operates in active mode when the discrepancy count value

exceeds the minimum, then an alarm signal is generated on signal line 19 to activate alarm 12 or

video cassette recorder 11 (figures 1-2, column 5, line 20 through column 6, line 8); and

computer system operates in inactive mode when the discrepancy count value below the minimum

required to generate an alarm condition, the alarm condition is removed from signal line 19

(figures 1-2, column 6, lines 15-31). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the system in Stedman et al. by the

teaching of Brown in order to provide a system which can recognizes different mode by

comparing the property of two frames.

Stedman et al. and Brown fail to specifically disclose the difference weighted average of

brightness of the two frames differing by a predetermined amount. However, Ng teaches the

difference between the current frame and the reference frame is determined on a pixel-by-pixel

basis, and the pixel value indicates the luminance level or brightness level (column 6, lines 12-17,

column 7, lines 10-28), and a motion detection signal is generated if the difference between the

current frame and the reference frame exceeds a threshold (see abstract, difference weighted

average of brightness of the two frames differing by a predetermined amount). And note that

Stedman discloses computer exit the inactive mode (column 4, lines 40-47). Therefore, in system

of Stedman, Brown and Ng, the comparison of the weighted average of brightness of two frames

to each other occurs while the computer system is in the inactive mode in order to let the system

exit the inactive mode. Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the system in Stedman et al. and Brown by the

teaching of Ng in order to provide a system capable of immediately identifying changes in an

image represented by a video signal (column 1, lines 49-51).

Regarding claim 16, Stedman et al. discloses a reset circuitry coupled to the processor to

power up the computer system to exit the inactive mode (column 4, lines 40-47).

Regarding claims 18 and 24, Brown discloses the processor receives frames at a first

frame rate when the computer system is in the active mode and the processor receives frames at a

second frame rate when the computer system is not in the inactive mode (column 5, lines 3-25,

column 6, lines 63+).

Regarding claims 19 and 23, Brown discloses the processor determines the frame property

when the computer system is in the inactive mode and does not determine the frame property

when the computer system not in the inactive mode (column 5, lines 3-26).

Regarding claim 21, Brown discloses the processor compares frames by comparing a

weighted average brightness of the consecutive frames (column 3, lines 34-44, column 4, lines 34-

67).

Regarding claim 22, Stedman et al. disclose a computer system which provides a wakeup

control function which causes the computer system to exit the inactive mode (controller 40

generates wakeup signal which signals system power 12 to wake up, i.e., to transition from the

system power saving mode (inactive mode) to the normal mode operation (active mode), column

4, lines 40-47). Stedman et al. disclose causing the computer system to transition from an active

mode to an inactive mode in response to a predetermined period of inactivity (power saving

mode, column 1, lines 25-50, column 6, lines 16-30).

Stedman et al. fail to specifically disclose receiving a first frame corresponding to a view at

a first time; receiving a second frame corresponding to a view at a second time; determining

weighted average brightness for the first and second frame; and causing the computer system to

exit the inactive mode if the weighted average brightness for the first frame differs from the

weighted average brightness for the second frame by a predetermined amount. However, Brown

discloses a video camera surveillance system comprising receiving a first frame and a second

frame, disclosed as frame recorder 4 (figure 1, column 4, lines 34-67); determining a property for

first frame and for second frame, disclosed as circuitry for discriminating between signals (figure

1, column 3, lines 20-40; column 4, lines 34-67). Brown discloses combination of frame recorder

4 and change detector 7 as computer system which operates in active mode when the discrepancy

count value exceeds the minimum, then an alarm signal is generated on signal line 19 to activate

alarm 12 or video cassette recorder 11 (figures 1-2, column 5, line 20 through column 6, line 8);

and computer system operates in active mode when the discrepancy count value below the

minimum required to generate an alarm condition, the alarm condition is removed from signal line

19 (figures 1-2, column 6, lines 15-31). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the system in Stedman et al. by the

teaching of Brown in order to provide a system which can recognizes different mode by

comparing the property of two frames.

Stedman et al. and Brown fails to specifically disclose determining a weighted average

brightness for the first frame and second frame; and the first frame differs from the weighted

average brightness for the second frame by a predetermined amount. However, Ng teaches the

pixel value of a frame indicates the luminance level or brightness level (column 6, lines 12-17,

column 7, lines 10-28); and a motion detection signal is generated if the difference between the

current frame and the reference frame exceeds a threshold (see abstract, the first frame differs

from the weighted average brightness for the second frame by a predetermined amount).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the system in Stedman et al. by the teaching of Brown and Ng in order to

provide a system capable of immediately identifying changes in an image represented by a video

signal (column 1, lines 49-51).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

5.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297.** If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber,**

can be reach on **(703) 305-4929.**

Any response to this action should be mailed to:

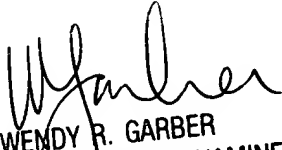Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a genreal nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
9/28/2002

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600